

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:11-00077

JULIO GOMEZ-GONZALEZ

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 14, 2012, the United States of America appeared by Steven R. Ruby, Assistant United States Attorney, and the defendant, Julio Gomez-Gonzalez, appeared in person and by his counsel, George H. Lancaster, Jr., Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Jeffrey D. Bella, the defendant having commenced a three-year term of supervised release in this action on July 22, 2011, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on July 7, 2011.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant committed the offense of disorderly conduct for which he was arrested on September 24, 2011, as evidenced by his guilty plea on November 18, 2011; (2) that the defendant used and possessed cocaine as evidenced by positive urine specimens submitted by him on January 24 and February 3, 2012, the defendant having admitted to the probation officer that he had used cocaine during the months of January and February 2012; (3) that the defendant failed to file monthly reports inasmuch as he did not file a report for the month of February 2012 or any month thereafter; (4) that the defendant failed to be in contact with the probation officer from and after February 14, 2012, until the filing of the petition on June 29, 2012, rendering his whereabouts unknown; (5) that the defendant failed to answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer as set forth in Violation No. 4 of the petition; and (6) that the defendant failed to refrain from frequenting places where controlled substances are illegally sold, used, distributed or administered inasmuch as on

January 24, 2012, he admitted to the probation officer that while attending a party, he nasally ingested three to four lines of cocaine; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a

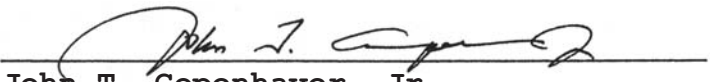
period of TEN (10) MONTHS, to be followed by a term of twenty-six (26) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he participate in an alcohol abuse counseling and treatment program as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to either FCI Ashland or FCI Beckley.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 30, 2012


John T. Copenhaver, Jr.
United States District Judge